

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
-----X
UNITED STATES OF AMERICA,

11 CR 134 (SJ)

v.

CHAIM MAYER LEBOVITS,

ORDER ADOPTING
REPORT AND
RECOMMENDATION

Defendant.

-----X

A P P E A R A N C E S

LORETTA E. LYNCH
United States Attorney
Eastern District of New York
271 Cadman Plaza East
Brooklyn, NY 11201
By: Charles Kleinberg
Attorneys for the Government

BALLARD SPAHR STILLMAN & FRIEDMAN LLP
425 Park Avenue
21st Floor
New York, NY 10022
By: Nathaniel Zachary Marmur
Attorneys for Defendant

JOHNSON, U.S.D.J.:

Defendant Chaim Lebovits (“Defendant” or “Lebovits”) is currently under indictment for mail fraud, wire fraud, money laundering and related conspiracies arising out of his Vice Presidency and management of Liberty Planning, Inc., an

insurance agency located in Monsey, New York. In a 13-count superseding indictment, Lebovits is charged with inducing insurance companies to issue high-yield policies to elderly straw purchasers, based on false statements of both inflated net worth and inauspicious health, and then selling those policies for profit to investors. (See generally Superseding Indictment (Dkt. No. 106).) Defendant filed a motion for a bill of particulars, which by Report and Recommendation (“Report”) dated November 30, 2012, Magistrate Judge Steven M. Gold recommended be denied. In particular, Judge Gold cited the government’s August 16, 2012 provision to Lebovits of certain particulars – including the names, policy numbers, insurance agents and policy effective dates – of every policy underlying the superseding indictment. Defendant objects to the Report because he would also like to be provided with the particular false statements upon which the government intends to rely at trial.

Based upon a de novo determination of the portions of the Report to which Lebovits objected, this Court finds that Defendant is entitled to no more, and his objections are without merit. Therefore, the Report is accepted and adopted in all respects. See 28 U.S.C. § 636(b)(1).

SO ORDERED.

Dated: January 16, 2014
Brooklyn, NY

/s
Sterling Johnson, Jr., U.S.D.J.